

§374-A. General election candidates; vacancy

1. Vacancy and replacement of nominees. The Secretary of State shall declare the vacancy as provided in section 362-A and a political committee may make a replacement nomination for the general election only if a person nominated for an office at a primary election or by a political committee:

A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general election in accordance with section 367; [PL 2011, c. 342, §12 (AMD).]

B. Withdraws because of a catastrophic illness, condition or injury that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, as long as the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request that describes the illness, condition or injury and is signed by a licensed physician; or [PL 2015, c. 447, §12 (AMD).]

C. Dies prior to the general election. [PL 1989, c. 341, §2 (NEW).]
[PL 2019, c. 636, §9 (AMD).]

2. Deadline for replacement of nominee. A political committee may make a replacement nomination for the general election:

A. No later than 5 p.m. of the 4th Monday in July preceding the general election for a candidate who has withdrawn in accordance with subsection 1, paragraph A; or [PL 1993, c. 447, §5 (AMD).]

B. As soon as practicable for a candidate who withdraws or is withdrawn in accordance with subsection 1, paragraph B or C. [PL 1989, c. 341, §2 (NEW).]
[PL 2019, c. 636, §9 (AMD).]

2-A. Ballot procedure for replacement candidates. If a political party makes a replacement nomination for the general election by the deadline established in subsection 2, the Secretary of State shall produce new general election ballots or amend or supplement general election ballots already printed in accordance with section 376 or 604.
[PL 2019, c. 636, §9 (NEW).]

3. Deadline for removal of candidate's name from general election ballot. The name of a candidate for an office on the general election ballot who withdraws for any reason 70 days or more before the general election must be removed from the ballot. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and meets the criteria of subsection 1, paragraph B or C, the candidate's name must be removed from the general election ballot in accordance with section 376 or the general election ballot must be amended or supplemented in accordance with section 604. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and does not meet the criteria of subsection 1, paragraph B or C, the candidate's name will not be removed from the ballot, but upon receipt of the notice of withdrawal required by section 367, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of a candidate's withdrawal less than 70 days before the general election must also be posted on the Secretary of State's publicly accessible website.
[PL 2019, c. 636, §9 (AMD).]

SECTION HISTORY

PL 1989, c. 341, §2 (NEW). PL 1993, c. 447, §§4,5 (AMD). PL 2001, c. 310, §24 (AMD). PL 2007, c. 455, §16 (AMD). PL 2011, c. 342, §§12, 13 (AMD). PL 2015, c. 447, §§12, 13 (AMD). PL 2019, c. 636, §9 (AMD).

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